



THE CITY OF NEW YORK
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July 20, 2015

Via ECF & Fax at (212) 805-6737

Honorable George B. Daniels
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Giordano-Forkan, Rose vs. the City of New York, et al.
Docket No. 13 Civ. 06950 (GBD)

Dear Judge Daniels:

I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel for the City of New York, attorney for the defendants in the above-captioned action. I write on consent to request that the compliance conference, presently scheduled for tomorrow Wednesday, August 18th, at 9:45 am, be rescheduled to a later date, prospectively Wednesday, August 26th, at 9:45 am, if the Court is available, or otherwise at the Court's earliest convenience.

I apologize for seeking to reschedule tomorrow's conference. I am scheduled to participate in mediation tomorrow at 10:00 am in the matter of Abdelal vs. Ray Kelly, et al., 13-cv-04341 (ALC) (SN), and I failed to consider that the mediation was not being held at SDNY, but at the mediator's midtown offices, and I will not be able to timely attend both appearances.

Relative to Your Honor's Order, dated May 12, 2015, Dkt. No. 32, fact discovery was set to close on June 18, 2015, with expert discovery set to close on August 17, 2015. Plaintiff had sought a subsequent adjournment of fact discovery, *see* Dkt. No. 33, but this application was denied via Order dated July 7, 2015. *See* Dkt. No. 36.

Absent any further discovery ordered by this Court, defendants anticipate moving for summary judgment on plaintiff's surviving cause of action, and, in consultation with plaintiff's counsel, the parties propose the following briefing schedule for the anticipated motion, subject to Your Honor's approval:

- Defendants' anticipated summary judgment motion papers to be served on or before Friday, September 18, 2015;

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- Plaintiff's opposition to defendants' anticipated summary judgment motion to be served on or before Monday, October 26, 2015;
- Defendants' reply, if any, to be served on or before Monday, November 9, 2015.

I apologize for not reaching out to the Court earlier to advise of the need to reschedule, and thank the Court for its consideration of this request.

Respectfully submitted,

/s/

Stephen P. Pischl
Senior Counsel

cc: Bryan D. Glass, Esq. (by ECF)
Glass Krakower LLP
Attorney for Plaintiff